

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PALMER KANE LLC,

Plaintiff,

v.

SCHOLASTIC CORPORATION;
SCHOLASTIC, INC.,

Defendants.

Case No. 12-CV-3890 (TPG)

Hon. Thomas P. Griesa

**ECF CASE
Electronically Filed**

**MOTION AND MEMORANDUM OF LAW OF NELSON & McCULLOCH LLP
TO WITHDRAW AS COUNSEL FOR PLAINTIFF**

Danial A. Nelson (DN4940)
Kevin P. McCulloch (KM0530)
NELSON & McCULLOCH LLP
The Chrysler Building
405 Lexington Ave., 26th Floor
New York, New York 10174
T: (646) 704-4900
F: (646) 308-1178

May 28, 2013

Danial A. Nelson (“Nelson”) and Kevin P. McCulloch (“McCulloch”), attorneys at Nelson & McCulloch LLP, hereby move this Court, upon this memorandum and the accompanying declaration of Mr. Nelson, to permit them to withdraw as counsel of record for Plaintiff Palmer Kane LLC (“Plaintiff”).

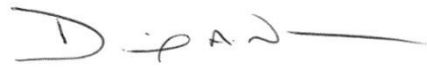
An order permitting Messrs. Nelson and McCulloch to withdraw as counsel of record may be granted “upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal[.]” S.D.N.Y. Local Rule 1.4. Satisfactory reasons to withdraw exist where counsel has been discharged. *See* Rule 1.16(b)(3), New York Rules of Professional Conduct. Plaintiff has discharged Nelson & McCulloch LLP as its counsel. Furthermore, permitting Messrs. Nelson and McCulloch to withdraw as counsel in this matter will not create any prejudice to Plaintiff or delay this action because Plaintiff has retained new counsel, Clyde Alvin Shuman, to prosecute its claims in this case and Mr. Shuman already has entered his appearance on behalf of Plaintiff. *See* Dkt. No. 15.

For the foregoing reasons, attorneys Danial A. Nelson and Kevin P. McCulloch request that this Court GRANT their motion to withdraw as counsel of record for Plaintiff.

Dated: May 28, 2013

Respectfully submitted,

NELSON & McCULLOCH LLP



Danial A. Nelson (DN4940)
Kevin P. McCulloch (KM0530)
The Chrysler Building
405 Lexington Ave., 26th Floor
New York, New York 10174
T: (646) 704-4900

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of May, 2013, I caused to be served a true and correct copy of the foregoing document by the CM/ECF system and/or via electronic mail to the following parties:

Edward Rosenthal, Esq. (erosenthal@fkks.com)
Beth Goldman, Esq. (bgoldman@fkks.com)
488 Madison Avenue, 10th Floor
New York, NY 10022
Tel. 212-980-0120
Fax. 212-593-9175

Sibley P. Reppert (sibleyR@pczlaw.com)
Pearl Cohen Zedek Latzer
1500 Broadway
New York, NY
Tel. 617-228-5725

DATED: May 28, 2013



Danial A. Nelson